

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

September 17, 2007

CALL TO PODIUM:

David B. Humpton
City Manager

RESPONSIBLE STAFF:

David B. Humpton
City Manager

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
<input checked="" type="checkbox"/>	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Execute a Retention Agreement With Cathy G. Borten, Esq.

SUPPORTING BACKGROUND:

City Attorney Borten's resignation will be effective on September 21, 2007. Ms. Borten is currently working on several important matters which either have deadlines approaching shortly after she leaves her in-house position. or on which she has already spent a considerable amount of time and is very familiar with. Given the timing of these matters, it would be in the City's best interest for Ms. Borten to continue to handle those matters on an hourly basis after she leaves her in-house position.

This resolution will allow the City to enter into an agreement for Ms. Borten's representation at an hourly rate of \$185.00. In addition, Ms. Borten will be providing an estimate (rather than a cap) of the cost for her to handle the Hamza Halici/Halici, Inc. appeal in the Court of Special Appeals. That estimate will also be included in the agreement.

The City will also continue to work with former City Attorney Stanley D. Abrams, Esq., who remains on retainer with the City through February 16, 2008.

DESIRED OUTCOME:

Vote on Resolution.

Resolution Request Form

REQUEST FORM FOR RESOLUTIONS PERTAINING TO EXPENDITURES FROM THE CITY BUDGET (CONTRACTS/PURCHASES, TRANSFER FUNDS)

(Please attach the Mayor and Council Agenda Cover Sheet to this Form. For contracts/purchases, the Cover Sheet MUST include a list of all bidders and bid amounts.)

Requested by: David B. Humton, City Manager Date of City Council Meeting: September 17, 2007

AUTHORIZING

Purchase ☐ Award Contract ☐ Transfer Funds ☐ Negotiate/
Execute a Contract ☒

BID INFORMATION:

Advertisement Date _____

Newspaper(s) _____

Bids Opened/Tabulated (date) _____

DESCRIPTION OF ITEM(S):

(Be specific; include quantity, item name, model number, etc.)

Retention Agreement for Outside Counsel on an hourly basis, to be paid monthly.

CONTRACTED/PURCHASE FROM:

Company Name: Cathy G. Borten, Esq.

Street Address: To be included in agreement

P. O. Box Number _____

City/State/Zip _____

CONTRACT/PURCHASE AMOUNT:

\$ 185.00/hour plus costs and expenses

Check One: In the Projected Amount of \$50,000.00 Not to Exceed ☐

FUNDS TO BE EXPENDED FROM: Operating Budget ☒ Capital Improvements Budget

Account Number: 1111/533000

(For Finance Department use only; not to be included in the Resolution)

VERIFICATION OF AVAILABILITY OF FUNDS

Available ☒ Not available ☐

Finance Dept. Date

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE
CITY MANAGER TO NEGOTIATE AND EXECUTE A RETENTION
AGREEMENT WITH CATHY G. BORTEN, ESQ.

WHEREAS, current City Attorney Cathy G. Borten has resigned from her position as in-house City Attorney effective September 21, 2007; and

WHEREAS, there are several important matters that Ms. Borten is currently working on that have deadlines approaching shortly after she leaves her in-house position; and

WHEREAS, there is an appeal pending in the Court of Special Appeals from a decision of the City, and Ms. Borten has already spent considerable time on and is critically familiar with this matter; and

WHEREAS, it is in the City's best interest that Ms. Borten continue to work on these matters as outside counsel on an hourly basis after she leaves her in-house position, particularly since a new in-house City Attorney will not have been appointed by that time; and

WHEREAS, the City will also continue to utilize the services of former City Attorney Stanley D. Abrams, Esq., who is on retainer to the City through February 16, 2008:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that the City Manager is hereby authorized to negotiate and execute a Retention Agreement with Cathy G. Borten, Esq., at a rate of One Hundred Eighty Five Dollars (\$185.00) per hour.

ADOPTED by the Mayor and City Council this 17th day of September, 2007.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 17th day
of September, 2007.

David B. Humpton, City Manager